REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

CCW/CONF.I/WP.4*
13 October 1995

ORIGINAL: ENGLISH

Vienna, 25 September - 13 October 1995

PRESIDENT'S TEXT

Article 1 (article 1)

Scope of application

1. This Protocol relates to the use on land of the mines, booby-traps and other devices defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2. This Protocol shall apply to situations referred to in Article 1 of this Convention and Article 3 common to the Geneva Conventions of 12 August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Protocol.

4. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or reestablish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

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* Reissued for technical reasons.

6. The application of the provisions of this Protocol to parties to a conflict which are not High Contracting Parties that have accepted this Protocol shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

Article 2 (article 2)

Definitions

For the purpose of this Protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.

2. "Remotely-delivered mine" means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from a land-based system from less than 500 metres are not considered to be "remotely delivered", provided that they are used in accordance with Article 5 and other relevant articles of this Protocol.

3. "Anti-personnel mine" means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

4. "Booby-trap" means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

5. "Other devices" means manually emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.

6. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

7. "Civilian objects" are all objects which are not military objectives as defined in paragraph 6.

8. "Minefield" is a defined area in which mines have been emplaced and "mined area" is an area which is dangerous due to the presence of mines. "Phoney minefield" means an area free of

mines that simulates a minefield. Phoney minefields shall comply with the provisions which apply to minefields.

9. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

10. "Self-destructing mechanism" means an incorporated or externally attached automatically functioning mechanism which secures the destruction of a munition.

11. "Self-neutralizing mechanism" means an incorporated automatically functioning mechanism which renders a munition inoperable.

12. "Self-deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, e.g. a battery, that is essential to the operation of the munition.

13. "Remote control" means a control by commands from a distance.

14. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to or attached to, or placed under the mine and which activates when an attempt is made to tamper with the mine.

15. "Transfer" involves, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

Article 3 (article 3)

General restrictions on the use of mines, booby-traps and other devices

1. This Article applies to:

(a) mines;

(b) booby-traps; and

(c) other devices.

2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.

3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.

4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.

5. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.

6. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

(a) which is not on, or directed against, a military objective. In case of a doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used; or

(b) which employs a method or means of delivery which cannot be directed at a specific military objective; or

(c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

7. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects cannot be treated as a single military objective.

8. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:

(a) the short- and long-term effect of landmines upon the local civilian population for the duration of the minefield;

(b) possible measures to protect civilians (e.g. fencing, signs, warning and monitoring);

(c) the availability and feasibility of using alternatives; and

(d) the short- and long-term military requirements for a minefield.

9. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

Article 4 (article 5 bis)

Restrictions on the use of anti-personnel mines

It is prohibited to use anti-personnel mines which are not in compliance with the provisions on detectability in the Technical Annex.

Article 5 (article 4)

Restrictions on the use of anti-personnel mines other than remotely delivered mines

1. This Article applies to anti-personnel mines other than remotely delivered mines.

2. It is prohibited to use weapons, to which this Article applies which are not self-destructing, unless:

(a) such weapons are placed within a perimeter-marked area that is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and

(b) such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State that accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons.

3. A party to the conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) above only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If the party of the conflict regains control of the area, it shall resume compliance with the provisions of subparagraphs 2 (a) and 2 (b).

4. If the forces of a party to the conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. The High Contracting Parties shall take all feasible measures to prevent the unauthorized removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.

6. Weapons to which this Article applies and which propel fragments in a horizontal arc of less than 90 degrees and are placed on or above the ground may be used without fencing and monitoring provided for in paragraph 2 of this Article for a maximum period of 48 hours, if:

(a) they are located in the immediate proximity of the military unit that emplaced them; and

(b) the area is monitored by military personnel to ensure the effective exclusion of civilians.

Article 6 (article 5)

Restrictions on the use of remotely delivered mines

1. It is prohibited to use remotely delivered anti-personnel mines which are not in compliance with the provisions on self-destruction contained in the Technical Annex.

2. It is prohibited to use remotely delivered mines other than anti-personnel mines which are not in compliance with the provisions on self-destruction or self-neutralization contained in the Technical Annex.

Article 7 (article 6)

Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

(a) internationally recognized protective emblems, signs or signals;

(b) sick, wounded or dead persons;

(c) burial or cremation sites or graves;

(d) medical facilities, medical equipment, medical supplies or medical transportation;

(e) children's toys or other portable objects or products specially designed for feeding, health, hygiene, clothing or education of children;

(f) food or drink;

(g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;

(h) objects clearly of a religious nature;

(i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;

(j) animals or their carcasses.

2. It is prohibited to use booby-traps and other devices in the form of an apparently harmless portable object which is specifically designed and constructed to contain explosive material.

3. Without prejudice to the provisions in Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or do not appear to be imminent, unless either:

(a) they are placed on or in close vicinity of a military objective; or

(b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issue of warnings or the provision of fences.

Article 8 (article 6 ter)

Transfer

In order to further prevent the use of mines contrary to the purposes of this Protocol, each High Contracting Party :

(a) undertakes not to transfer any mines the use of which is prohibited by this Protocol as amended;

(b) undertakes not to transfer any mines to any recipient other than a State or its agents or agencies;

(c) undertakes to exercise restraint in the transfer of any mines the use of which is restricted by this Protocol. In particular, each High Contracting Party undertakes not to transfer any anti-personnel mines to States which are not bound by this Protocol, unless the recipient State accepts and applies this Protocol, takes steps to adhere to it in accordance with Article 4 of this Convention, and so notifies the Depositary.

(d) undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by the agents or agencies of both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.

Article 9 (article 7)

Recording and use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.

2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of the minefields, mined areas, mines, booby-traps and other devices in areas under their control. At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of the

adverse party, either party may withhold such information from the Secretary-General and the other party, to the extent that security interests require such withholding, until neither party is in the territory of the other. In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

Article 10 (article 9)

Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation

1. Without delay after the cessation of active hostilities all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.

2. Each High Contracting Party bears such responsibility with respect to minefields, mined areas, booby-traps and other devices in areas under its control.

3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the responsible party pursuant to paragraph 2 above, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.

4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations on the provision of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil such responsibilities.

Article 11 (article 9 bis)

Technological cooperation and assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties undertake to promote the provision of equipment and technological information for mine clearance.

2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

3. Each High Contracting Party will provide assistance for mine clearance through the United Nations system, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be provided to the Depositary, which shall transmit them to all High Contracting Parties and to relevant international organizations.

5. In the case of requests to the United Nations, the Secretary-General shall take the appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Depositary shall report to States Parties on such requests.

6. Without prejudice to their constitutional and legal provisions, High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the prohibitions and restrictions set out in this Protocol.

Article 12 (article 8)

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Peace-keeping and certain other forces and missions

(a) This paragraph applies to:

(i) any United Nations force or mission performing functions of peace-keeping, observation or similar functions in any area in accordance with the Charter of the United Nations; and

(ii) any mission of an arrangement or agency performing functions pursuant to Chapter VIII of the Charter of the United Nations in the area of a conflict with the consent of the High Contracting Parties which are parties to that conflict.

(b) Each party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:

(i) so far as it is able, take such measure as are necessary to protect the personnel participating in, or associated with, the force or mission from the effects of mines, booby-traps and other devices; and

(ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

(iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to him all information in that party's possession concerning such minefields, mined areas, mines, booby-traps and other devices.

2. Missions of the United Nations and the International Committee of the Red Cross

(a) This paragraph applies to:

(i) any humanitarian or fact-finding mission of the United Nations system performing functions in the area of a conflict with the consent of the States

which are parties to the conflict; and

(ii) any mission of the International Committee of the Red Cross performing functions assigned to it under international humanitarian law, where applicable.

(b) Each party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide to the personnel of the mission with the protections set out in paragraph 1(b)(i) above; and

(ii) in order to provide the personnel of the mission with safe passage to any place under the party's control to which access is necessary for the mission to perform its functions and for which any necessary approval has been granted:

(aa) inform the head of the mission of a safe route to that place, if such information is available to that party and unless on-going hostilities prevent; or

(bb) if information identifying a safe route is not provided in accordance with sub-paragraph (aa) above, so far as is necessary and feasible, clear a lane through minefields.

3. Other humanitarian and fact-finding missions

(a) Insofar as paragraphs 1 and 2 above do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict with the consent of the States which are parties to the conflict:

(i) any humanitarian or fact-finding mission of an inter-governmental organization; and

(ii) any fact-finding mission established pursuant to the provisions of an agreement between two or more States; and

(iii) any humanitarian mission of a national Red Cross or Red Crescent organization or of their International Federation; and

(iv) any mission of a humanitarian non-governmental organization.

(b) Each party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:

(i) provide the personnel of the mission with the protections set out in paragraph 1(b)(i) above; and

(ii) take the measures set out in paragraph 2(b)(ii) above.

4. Confidentiality of information

All information provided in confidence by parties to the conflict in accordance with this Article shall be treated by the recipient in strict confidence and shall not be released outside the operation or mission concerned without the express authorization of the party which provided it.

5. Other Requirements

The provisions of this Article are without prejudice to any other requirements under international law, or other international instruments, as applicable, which provide for a higher level of protection to personnel functioning in accordance with this Article.

Article 13

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, Conferences of High Contracting Parties shall be held on an annual basis.

2. Any High Contracting Party may appoint a representative to the Conference. Other States, organizations which have been granted observer status in the United Nations, United Nations organs, related agencies, other intergovernmental organizations, and the International Committee of the Red Cross, may participate in the work of the Conference as observers.

3. The work of the Conference shall include:

(a) review of the status of the Protocol, including adherence;

(b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article; and

(c) preparation for review Conferences.

(d) consideration of the development of technologies to protect civilians against indiscriminate effects of landmines.

4. The High Contracting Parties may provide reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the Conference, on any of the following matters:

(a) dissemination of information on the Protocol to their armed forces and to the civilian population;

(b) mine clearance and rehabilitation programs;

(c) steps taken to meet technical requirements of the Protocol;

(d) legislation;

(e) measures taken on international technical information exchange and on international cooperation on mine clearance; and

(f) other relevant matters.

5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 14

Compliance with the Protocol

1. High Contracting Parties shall require that commanders ensure that members of the armed forces under their command are aware of, and comply with, the relevant obligations under this Protocol.

2. The provisions of the Geneva Conventions of 12 August 1949 relating to measures for the repression of breaches and grave breaches shall apply to breaches and grave breaches of this Protocol during armed conflicts. Each party to a conflict shall take all appropriate measures to prevent and suppress breaches of this Protocol. Any act or omission occurring during armed conflict in violation of this Protocol, if committed wilfully or wantonly and causing death or serious injury to the civilian population, shall be treated as a grave breach.

3. The High Contracting Parties undertake to consult each other and to cooperate with each other to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Article.

Technical Annex

1. Recording

(a) The recording of the location of mines other than remotely delivered mines, minefields, mined areas, booby-traps and other devices shall be done in accordance with the following:

(i) The location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by the relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these devices in relation to those reference points.

(ii) Maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, these records shall also indicate their perimeters and extent.

(iii) For purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information of all the munitions laid. Whenever feasible the minefield record shall show the exact location of every mine; except in row minefields where the row location is sufficient. The precise location and operating mechanism of each booby-trap laid shall be individually recorded.

(b) The estimated location and area of remotely delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and type of mines laid, the date and time of laying and the self destruction time periods shall also be recorded.

(c) Copies of records are to be held at a level of command sufficient to guarantee their safety as far as possible.

(d) Mines manufactured after entry into force of this Protocol should be marked in English or in the respective national language(s) as follows:

- name of the country of origin
- month and year of manufacture
- serial number.

The marking should be visible, readable, durable and resistant to environmental effects, as far as possible.

2. Specifications on detectability

(a) All anti-personnel mines shall incorporate in their construction, or have attached, in a manner not easily removable, material or a device that enables the mine to be detected by commonly available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grams, or more, of iron in a single coherent mass.

(b) In the event that a High Contracting Party determines that it cannot immediately comply with subparagraph (a) above, it may declare at the time of its ratification of or accession to this amended Protocol that it will defer compliance for a period not to exceed 8 years, and in the meantime shall, to the extent feasible, minimize use of mines that do not so comply.

(c) No mines, booby-traps or other devices may be specifically designed to detonate due to the non-contact influence of commonly available mine detectors during normal operation.

3. Specifications for self-destruction and self-neutralization

1. Mines required by this Protocol to be self-destructing shall be designed and constructed so that no more than 5 in every 100 activated will fail to self-destruct after no more than 30 days; and they shall have a back-up self-deactivation feature, designed and constructed so that the mine will no longer function as a mine after 200 days, within a reliability of 1 in every 1000 surviving mines if the self-destruction mechanism fails.

2. Mines required by this Protocol to be self-neutralizing shall be designed and constructed so that no more than 5 in every 100 activated will fail to self-neutralize after no more than 30 days; and they shall have a back-up self-deactivation feature, designed and constructed so that the mine will no longer function as a mine after 200 days, within a reliability of 1 in every 1000 surviving mines if the self-neutralizing mechanism fails.

4. International signs for minefields and mined areas

Signs similar to the example in Annex A and as specified below shall be utilized in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

(a) Size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square.

(b) Color: red or orange with a yellow reflecting border.

(c) Symbol: the symbol illustrated in Annex A, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area.

(d) Language: the sign should contain the word "mines" in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language(s) prevalent in that area.

(e) Spacing: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.